

FACSIMILE COVER SHEET

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FORMAL COMMUNICATION WITH EXAMINER.

FOR IMMEDIATE DELIVERY TO EXAMINER JEREMY C. NORRIS.
MANY THANKS!

Please deliver the facsimile transmitted herewith to:

Name: Examiner Jeremy C. Norris

From: Theodore Naccarella, Esquire

Re: Printing Wiring Board and Method for Manufacturing Same

S&L Docket Number: P-23,128 USA

A total of 4 pages, including this cover sheet will be transmitted.

Confirmation copy sent by mail: YES X NO

Name of Operator: Diane A. Sears

Date Sent: 5 August 2003 Time: 4:00 P.M.

Facsimile Number of Recipient: 703-308-7382

Notes:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: **M. Takada, et al.**) Group Art Unit: **2851**Application No.: **09/380,994**) Examiner: **Jeremy C. Norris**Filed: **September 13, 1999**For: **PRINTING WIRING BOARD AND
METHOD FOR MANUFACTURING
SAME**CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via facsimile transmission to facsimile number (703) 308-7382 to the attention of Examiner Jeremy C. Norris on August 5, 2003.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

8/05/2003
Date

Diane A. Sears
Diane A. Sears

LETTER TO EXAMINER

Sir:

Applicant respectfully thanks the Examiner for the courtesy extended in a brief telephone interview on July 31, 2003 in connection with the above-identified case.

As discussed in that telephone conference, the present application is under final rejection and a Notice of Appeal has been filed. No Appeal Brief has been filed as of yet.

Applicant's undersigned representative informed the Examiner that, despite the fact that a Notice of Appeal has been filed in this case, this case should be easily disposable at this point because the Imasu reference, upon which all remaining rejections are based, is not prior art as it has a filing date later than PCT filing date of the present application.

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The Examiner agreed that, if the facts as outlined by Applicant's representative in the telephone conversation were indeed accurate, that there should be no need to file an appeal brief and that, instead he would withdraw the final rejection.

Accordingly, it was agreed that Applicant would file this paper explaining the situation and that the Examiner would retrieve the file, confirm the facts and, if accurate, withdraw the final rejection.

Accordingly, below is a complete explanation of the present situation.

Claims 1-4, 7, 10, 15 and 18 are pending in this application, claims 15 and 18 stand allowed. Claims 1-3, 7 and 10 stand rejected under 35 U.S.C. §102(e) as anticipated by Imasu. Claim 4 stands rejected under 35 U.S.C. §103(a) as unpatentable over Imasu. Imasu is a U.S. patent (U.S. Patent No. 6,461,896 issued October 8, 2002) having a filing date of May 8, 2000 and claiming priority as a divisional to U.S. Patent Application No. 09/048,054, filed on March 26, 1998, now U.S. Patent No. 6,208,525. Accordingly, the earliest possible effective prior art date under 35 U.S.C. §102(e) for the Imasu reference is March 26, 1998.

The Applicant entered the national stage in the United States on September 13, 1999 (which is after the effective prior art date of the Imasu reference). However, the PCT filing date of the present application is March 9, 1998, which is before the 102(e) effective prior art date of the Imasu reference.

In accordance with 35 U.S.C. §363 and MPEP §1893.03(b), the effective filing date of the present application is the PCT filing date of March 9, 2003. Applicant notes that, in the Final Office Action, the Office noted that "Applicant

cannot rely upon the foreign priority papers to overcome this rejection because the translation of said papers has not been made of record in accordance with 37 CFR §1.55. See MPEP §201.15." Applicant concedes that this is an accurate statement of the law. However, Applicant does not need to rely on the Japanese foreign priority document in order to remove Imasu as a reference. Applicant only needs to rely on the PCT filing date, for which there are no additional requirements for reliance.

Please contact Applicant's undersigned representative if any further questions should arise.

Respectfully submitted,



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